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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,922	08/24/2001	Michael A. Griffiths	36968/254718	3489

30314 7590 01/20/2004

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EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 01/20/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/938,922

Applicant(s)

GRIFFITHS, MICHAEL A.

Examiner

Barry W Taylor

Art Unit

2643

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-35.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

**Continuation Sheet (PTO-303)**

a) Regarding Applicant's remark on page 2, paper number 9, After Final response, dated 12/10/03 wherein Applicant's contend that Jagadish 2 generates exemplary summary information based on other billing plans rather than the billing plan to which a customer subscribes.

The Examiner disagrees. First of all, Jagadish 1 (i.e. 6,058,170) allows for online access to summary information (see last line of abstract) and the display information depends on the plans the customer subscribes and even provides "Snapshot" summaries which provide the current status of the customer's account including the number of minutes of calls that the customer has made during a particular plan (i.e. calls made between 5:00pm and 9:00am receive a 10% discount). Jagadish 1 further shows summary information based upon the number of call minutes since the last bill, total cost of the calls made on a particular day, or each day, during the billing period, the total cost of calls made to each of a given set of numbers, area codes, etc. Jagadish even discloses adjusting charges for past calls to reflect certain types of billing plans.

Jagadish 2 (i.e. 6,125,173) discloses using actual and exemplary customer information instead of only using exemplary as argued by Applicant's. Jagadish not only displays the price according to particular billing plan but also provides and exemplary summary information enabling the user to keep the current plan (see col. 6 lines 39-40 wherein \$3.15 has been saved by using current billing plan) or switch to a plan that offers better savings (see col. 6 lines 26-29 wherein user would have saved \$2.07 if the subscriber selected calling plan A).

b) Applicant's continue to argue on page 3, paper number 9, last three lines, wherein Applicant's contend the customer cannot figure out how many hours he has already spent based on the current billing plan.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the customer cannot figure out how many hours he has already spent based on the current billing plan) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In other words, Applicant's independent claims are still general in nature and all that is required is for customer to view the actual or exemplary information before deciding to switch to another plan or keep the current plan.

c) Regarding Applicant's general comment at the top of page 4 wherein Applicant's contend that Jagadish 2 does not teach the limitations: causing the historical information of the usage pattern to be compared with a predetermined billing plan, whereby the customer uses the computer device to access the usage pattern and controls the use of the telecommunication system based on a comparison result.

The Examiner disagrees. Jagadish not only displays the price according to particular billing plan but also provides and exemplary summary information enabling the user to keep the current plan (see col. 6 lines 39-40 wherein \$3.15 has been saved by using current billing plan) or switch to a plan that offers better savings (see col. 6

lines 26-29 wherein user would have saved \$2.07 if the subscriber selected calling plan A). In other words, Jagadish 1 allows for "online" access to billing information and Jagadish 2 enables the user to decide whether or not to keep the current billing plan or switch to another plan that offers better savings.

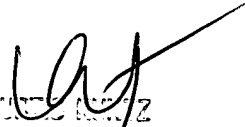
d) Regarding Applicant's general remark on page 4 regarding dependent claims 12 and 27 wherein Applicant's argue that Hill does not cure the deficiencies of Kay, Jagadish 1 and Jagadish 2.

The Examiner was not using Hill to cure the deficiency of Kay or Jagadish 1 or Jagadish 2. Instead, Hill provides for long-distance telephony service information (i.e. remaining minutes or dollars) to be provided to user. Therefore, since Jagadish already allows for "online" access to telephone bill information it would take very little effort for one of ordinary skill in the art at the time of the invention to provide "other" information to user via online access especially if one or more discount plans are already provided to user.

e) Regarding Applicant's general remark on page 5 regarding dependent claims 13, 17 and 28 wherein Applicant's again argue that Wang does not cure the deficiencies of Kay, Jagadish 1 and Jagadish 2.

The Examiner was not using Wang to cure the deficiency but instead providing Applicant's with a clear example of verifying an identity of customer. Since Jagadish provides for "online" access", it follows that "online" verification is extremely well known in the art of "online" access.

f) Applicant's repeated the same argument for claims 14 and 29-35 (see last paragraph page 5). See Examiner's response to the same arguments listed above starting in section "a)".

  
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